

REMARKS

Claims 1 – 3 remain in connection with the present application.

Claim 1 is the sole remaining independent claim.

Prior Art Rejection

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §103 as being unpatentable over Di Matteo et al. in view of Poradish et al. This rejection is respectfully traversed.

Claimed Elements Missing

Di Matteo et al. is directed to the use of a coded light approach wherein multiple projectors 26, 28, 30, and 32 project light through variable masks 36, and wherein the images are recorded using a plurality of cameras 40. By such a method, by changing patterns, a mechanical or slow patterned generator of the image is created. Accordingly, there is no teaching or suggestion in Di Matteo et al. of providing a faster type of three-dimensional identification of an object using a digital micro-mirror arrangement as set forth in claim 1 for example. Moreover, there is no teaching or suggestion that relates to the use of triangulation principles in association with a calculating step.

Poradish et al. is directed to a full-color projection display system for displaying images in, for example, a movie theater. Poradish et al. discloses the acceleration of video projection of successive projection of video signals, corresponding to film in a movie theater, for example. For this type of acceleration of a video projection, Poradish et al. discloses the use of a micro-mirror arrangement.

Assuming *arguendo* that Di Matteo et al. and Poradish et al. could be combined, the fact that Poradish et al. teaches merely the use of a digital micro-mirror device does not satisfy the various limitations claimed. Moreover, Poradish et al. make no reference that triangulation techniques are used to create a projection display of an image.

In Applicants' method, Applicants do not merely claim a digital micro-mirror device. Instead, they claim driving the digital micro-mirror arrangement "to sequentially illuminate said object surface...for identification of at least three depth planes of said object in a single image". Moreover, they teach the use of triangulation principles in association with the calculating step.

In Poradish et al., the digital micro-mirror device is merely used for creating a faster type of projection display of an image. There is no use of a digital micro-mirror device to illuminate an object, since Poradish et al. is not concerned with illuminating an object (Poradish et al. has nothing to do with any type of identification of an object). Further, Poradish et al. clearly does not teach or suggest driving a digital micro-mirror arrangement to illuminate an object for identification of the object, since Poradish et al. is not concerned with any object, let alone identification of any object. Thus, as Di Matteo et al. fails to teach or suggest any type of use of a digital micro-mirror arrangement and triangulation principles, and as Poradish et al. fails to teach or suggest the claimed use of the digital micro-mirror arrangement for illuminating an object for identification, and the use of triangulation principles, even assuming *arguendo* that their teachings could be combined, the alleged combination would still fail to teach or suggest at least the invention set forth in claim 1 of the present application.

Accordingly, for at least the aforementioned reasons, the alleged combination of Di Matteo et al. and Poradish et al. would fail to teach or suggest at least claim 1, and thus dependent claim 2, of the present application. Therefore, withdrawal of the Examiner's rejection and allowance of these claims is respectfully requested.

Additional Prior Art Rejection

The Examiner has further rejected claim 3 under 35 U.S.C. §103 as being unpatentable over Di Matteo et al. and Poradish et al., and further in view of Pipitone et al. This rejection is respectfully traversed.

Even assuming *arguendo* that Pipitone et al. could be combined with either one or both of Di Matteo et al. and Poradish et al., which Applicants do not admit, Pipitone et al. would fail to make up for at least the aforementioned deficiencies of Poradish et al. and Di Matteo et al. as previously set forth with regard to claim 1. Accordingly, for at least the reasons previously provided regarding independent claim 1, Applicants respectfully submit that dependent claim 3 is allowable over the prior art of record, even assuming *arguendo* that they could be combined. Thus, withdrawal of the rejection and allowance of claim 3 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of all outstanding objections and rejections and allowance of each of claims 1 – 3 in connection with present application is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C

By:


Donald J. Daley, Reg. No. 34,313

DJD/TRW/mmi

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000